

## REMARKS

Claims 1, 3-15 and 17-18, as amended, are currently pending for the Examiner's review and consideration. Claims 2, 16, 19, and 20 have been canceled.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and that they be withdrawn.

Claims 1, 13, and 14 stand rejected for failure to comply with 35 U.S.C. 112, second paragraph, for omitting essential structural cooperative relationships of elements. The Examiner asserts that the phrase "using less than four devices, said devices comprise..." lacks the requisite information about the structurally cooperative nature of the devices. Claims 1, 13, and 14 have been amended to change the relevant portion to "with the aid of ...." Support for these amendments can be found in claims 1, 13, and 14 as originally filed. Applicant respectfully asserts that the amended language renders moot the Examiner's rejection.

Claims 1 to 12 and 15 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat No. 6,078,908 to Schmitz (hereinafter "Schmitz") in view of U.S. Pat. No. 5,675,630 to Beatty (hereinafter "Beatty"). Claim 1 has been amended to require the step of "issuing an action authorization by a server, wherein said server functions as a terminal of an application operator, and wherein a user sends the action code via the Internet to said server." Support for this amendment may be found in the translation of the specification as filed, on page 20, lines 19 to 25, at least.

Based on our reading, Schmitz is silent about the user sending the action code via the Internet to said server. More so, Schmitz is very specific at col. 8, line 43 to 51 that "The user reads this transaction authorization number or a comparable password from the receiver 3 or hears the transaction authorization TAN from the language or audio input and enters 104 manually into the data input apparatus 1. The data input apparatus 1 now transmits the transaction authorization number TAN or the comparable password to the authorization computer 2 along a transmission path 105 from the data input apparatus 1 to the authorization computer 2" (emphasis added). No further indication is given in Schmitz about the nature of the transmission path 105 and certainly it is not specified that this path is an Internet enabled path.

Schmitz further lacks any recitation about the feature that "the server functions as a terminal of an application operator." Based on our reading of Schmitz, we see that the server

might be reading upon the "authorization computer 2." This authorization computer 2 is described in detail by Schmitz but at no point in the reference is this authorization computer integrated with an application operator.

Beatty does not mention the use of the Internet by a user to send an action code via the server that manages the phone number directories, nor does it mention a server that functions as a phone directory provider that at the same time has the capacity to authenticate or authorize action codes.

A *prima facie* case of obviousness requires that the combination of references fully discloses each and every feature of the claimed invention. In this case, claim 1 as amended is not fully disclosed by the combination of Schmitz and Beatty because neither Schmitz nor Beatty discloses either the use of the Internet by a user to send an action code or a server which may issue an action authorization and which functions as a terminal of an application operator. Applicant respectfully asserts that claim 1 is therefore patentable over Schmitz in view of Beatty. Claims 3-15 depend from, and therefore include, all of limitations of claim 1, and Applicant respectfully asserts that they are patentable on the basis of their dependency, at least.

Claims 13-14 and 17-18 stand rejected under 35 U.S.C 103(a) as being unpatentable over Schmitz in view of U.S. Pat. Appl. Pub. no. 2001/0027449 to Wright (hereinafter "Wright"). Claim 13 has been amended to require the step of "transmitting ... a maximum amount for a payment as a payment framework." Support for this amendment can be found in claim 14 as filed, at least. As a result both claims 13 and 14 require the aforementioned step.

Based on our readings of Schmitz and Wright, neither Schmitz nor Wright discloses transmitting a maximum amount for a payment as a payment framework. The Examiner's analysis of this claim term on page 14 of the March 10<sup>th</sup> Office Action simply lists the claim term, as opposed to making reference to where in the cited references such a term could, in the Examiner's view, be found. As a result, Applicant has been unable to locate the element or limitation in Beatty or Wright on which the Examiner suggests the claim term reads.

Because the cited references do not fully disclose each and every feature of the claimed invention, Applicant respectfully asserts that both claims 14 and 13, as amended, are patentable over Schmitz in view of Wright. Claims 16 and 17 depend from claims 13 and 14, and incorporate all of the limitations thereof, and Applicant respectfully asserts that they are therefore patentable on the basis of their dependency, at least.

## CONCLUSION

All of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

A sum, totaling \$465, is due for the attached Request for Continued Examination and a one-month extension of time. If any other required fee is due, the Commissioner may charge appropriate fees to H.T. Than Law Group, Deposit Account No. 50-1980. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,

Dated: July 9, 2008

/H.T. Than/

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Attachments:

Request for Continued Examination Transmittal Form (SB-30)  
Request for One Month Extension of Time